



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Nick Fish, Commissioner ■ Michael Jordan, Director

October 8, 2015

United States Environmental Protection Agency Region 10
1200 6th Avenue, Suite 900
Seattle, WA 98101

RE: Portland Harbor Feasibility Study Comments

Dear Kristine Koch,

EPA issued Section 4 of the Draft Feasibility Study (FS) in mid-August and the City has completed its review of the full document. We recognize the hard work that went into this document and appreciate the complexities of developing remedial alternatives for an in-water cleanup in an active working harbor that extends nearly 10 miles. As a public steward of the resource as well as public tax dollars, we have a unique interest and role in evaluating the remedial alternatives proposed by EPA.

In this unique role the City is committed to ensure that the river is clean and that the remediation is accomplished responsibly and successfully. The City is also committed to working in collaboration with EPA, business, industry and other interested parties to protect the interests of Portland citizens and to help ensure costs are assigned fairly. Because of our strong interest in the cleanup we respectfully offer the following comments and observations.

Keep Moving Forward

We are both working towards the same goal of getting the river cleaned up, and process delays will take away from that goal. We encourage EPA to consider our comments on the Draft FS in developing the Proposed Plan, recognizing there will be additional opportunities for input. The City's overall goal for the Proposed Plan is an implementable and cost-effective remedy that supports multiple uses of the harbor, such as marine commerce, recreation, and ecological habitat. However, defining this all-encompassing remedy is a daunting challenge, and one that will require EPA to apply risk management to this process to balance risk reduction, technology application, and cost considerations. The City encourages EPA to employ this balanced approach beginning with the refinement of FS alternatives, and continue its use in developing the Proposed Plan and during implementation of the remedy.

Flexibility and Adaptive Management

As you know, the City is working with other parties to perform an in-depth investigation of River Mile 11 East (RM11E). Based upon the City's familiarity of the RM11E site, the City's evaluation of the Draft FS raises a concern that physical conditions, as well as navigation requirements, may preclude application of technologies as currently assigned for various areas in the FS. The City supports the application of an approach in the FS that would allow for flexibility during remedial design to identify the technology that works best for a given area providing it meets the performance requirements set forth in the Record of Decision (ROD). Building this flexibility into the FS and Proposed Plan would minimize the lengthy administrative delays required by Explanation of Significant Differences (ESDs) and ROD Amendments.

Acknowledgment of Monitored Natural Recovery

The Remedial Investigation/Feasibility Study (RI/FS) is replete with discussion about the dynamic nature of the river system and the positive impacts of natural recovery from the influx of cleaner sediments into the Portland Harbor. Because much of the data in the RI was collected over a decade ago, the City expects that the sediment conditions have changed since the completion of the RI, particularly in areas that are susceptible to sediment accumulation. The City supports EPA's stated intention to integrate monitored natural recovery into remedial alternatives. We request that EPA build flexibility into the Proposed Plan to allow the designs to be adjusted and optimized based upon updated understandings of site conditions.

Transparency in Cost-Effectiveness

It is critical that the FS and Proposed Plan be presented in a way that the community and decision makers can adequately understand the benefit that is received for the significant cost of the cleanup. Currently the FS-level range of costs is very broad, making it difficult to evaluate whether increased costs are proportionate to commensurate risk reduction. We believe that providing cost-benefit comparisons for cleanup options provide more clarity for the citizens of Portland and would also be helpful for the approximate cost estimates currently provided in the FS.

Ensuring Timely Implementation

To proceed to remedy in the most efficient time frame, there must be a settlement among the Potentially Responsible Parties (PRP's), and identification of performing parties willing to implement the remedy. The current FS does not present costs by individual cleanup areas and without the benefit of the detailed mapping and cost information used by EPA, it is difficult to make credible estimates about the cost of any given area. This situation creates an additional topic that will require negotiation among the individual parties to assess cost/benefit and potential liability at specific areas. The City is concerned that the absence of this information could impede the settlement process, which in turn could contribute to a delay in implementing the remedy. The City requests that EPA include a breakdown of costs by individual clean up areas to remove this impediment.

In conclusion, the City would like to acknowledge the difficult task that EPA has in determining a preferred remedy. This is a complex process with a multitude of expectations and values. In the interest of the citizens of Portland and public dollars, we support EPA moving forward with the established schedule to reach a ROD in 2016, with the flexibility necessary to address the challenges inherent to Superfund sites of this magnitude. The City is fully supportive of EPA's efforts and is committed to work with EPA in a positive manner to accomplish our common goal of a clean river.

Sincerely,



Michael Jordan

Michael Jordan, Director
City of Portland, Bureau of Environmental Services
888 SW 5th Avenue, Suite 400
Portland, Oregon 97204
Ph: (503) 823-7769 | Fax: (503) 823-5228
Email: Mike.Jordan@portlandoregon.gov

cc:

Cami Grandinetti, EPA